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Mr. Emerton's Cauſe

Now depending before the

DELEGATES,

Briefly ſtated and unfolded.

COULD we but conſult our Duty towards God, or bear a regard to our own Intereſt, and the Credit and Reputation of our Poſterity, we ſhould find our ſelves conducted to acknowledg, That the Bonds of Marriage are to be held as ſacred and indiſſoluble Tyes. Nor can any thing juſtifie the Diſſolving the Matrimonial Relation betwixt a Man and Woman, who have ſtipulated to be Husband and Wife to one another, ſave the Crime of falſhood to the Marriage-Bed, or what interferes with the primitive and eſſential ends of that holy and neceſſary Inſtitution. And as the undue vacating of legal Marriages will infallibly derive guilt upon all that are either Authors or Abettors thereof; ſo it may not only expoſe Inheritances to Suits and Controverſies that are not at firſt dreaded or foreſeen, but entail the Infamy of being Baſtards upon the offspring of ſuch as ſhall marry thoſe who either at preſent, or afterwards ſhall be ſuppoſed raviſhed from their rightful Husbands. And tho' the obtaining ſuch a thing to be done in the way of a legal form, may poſſibly prevent or leſſen the Infamy which Poſterity in ſuch a caſe may be liable unto; yet as this will before God enhance the offence of doing it, ſo it will awaken the Indignation and Reſentment of the Generality of Mankind. For tho' the damage and prejudice do but immediately affect one, yet thouſands will think themſelves threatned by ſo dangerous a precedent. Nor will any man think himſelf ſecure of enjoying a rich Wife, while there are perſons of Power and Quality in the Nation, that out of deſire to the Portions which come along with them, think it worth the while to liſt themſelves for their Rivals. And we may eaſily imagine what a diſcouragement it will be to the induſtry and Care of Parents to lay up Eſtates for their Daughters, if any ſhall take upon them to null or reverſe the diſpoſal which they had made of them. And if the proof for Mr. *Emertons* being married to Mrs. *Hide* do but anſwer the opinion which the world have conceived of it, after the fulleſt enquiry which for ſeven years they have been capable of making; the Court of *Wards* which the Nation thought ſo fit to be aboliſhed, will not be found to have been ſo bad as an *Eccleſiaſtical* Court, and a Court of *Delegates* are, ſhould this Cauſe be decided againſt him. Nor is it for the honour of the Kingdom and Government, that an Affair of this Nature ſhould be ſo long depending, as this hath been, before it can be brought to ſuch an iſſue as all Parties are oblidged to acquieſce in. And whether the way and method of the Proceedings of *Doctors Commons* in this matter, may not occaſion a Parliament to inſpect more narrowly into that Court, than hitherto they have done, I leave them when their thoughts are calm and ſerene, to conſider of themſelves. Only it may not be inconvenient to re-mind them, how the bare mentioning this Caſe to the laſt *Weſtminſter*-Houſe of Commons, filled ſome of the *Civilians* with no ſmall fears; and how apprehenſive

they were of the prejudice that might have befallen their Court, had the Parliament continued ſo long as to have taken this Cauſe into their due Conſideration.

But in order to the better clearing of this matter which we have undertaken to ſtate and repreſent; we will ſuppoſe that the Son of ſome Noble Peer had been able to advance as good evidence for his being married to Mrs. *Hide*, as Mr. *Emerton* hath produced from the very firſt, I would on this ſuppoſition fain know, Whether any perſon of Honour, Juſtice or Senſe, would have thought it reaſonable, That that young Noble-Man ſhould for almoſt eight years have been denied the enjoyment of the Lady, upon no better Pretences and Allegations than have been hearkened unto as juſtifiable Reaſons for the withholding her from *Mr. Emerton*? Nor is this queſtion either impertinent or immodeſt, ſeeing one and the ſame Law is the meaſure of Juſtice both to the Noble and Rich, and to the Mean and Poor. And we know who hath ſaid, *Thou ſhalt not wreſt Judgment, thou ſhalt not reſpect perſons.* Now to object, That *Mrs.* Hide *is Heir to a great Eſtate, whereas Mr.* Emerton *is a perſon of a mean fortune, and of infinite diſparity*, is to talk as if a man neither underſtood the World, nor had any great portion of Wit or Underſtanding. For how many much below *Mr. Emertons* quality, have matched Ladies of higher extraction than *Mrs. Hide*, without ever having their Marriages called into queſtion, or ſo much as being upbraided for their preſumption? Nor was the diſtance in point of Gentility much leſs betwixt Sir *Thomas Hide* and Mrs. *Bridgets* Mother, than this between *Mr. Emerton* and Sir *Thomas*'s Daughter can be thought to be. And for any that pretend to write in favour of *Mrs. Hide*, to inſiſt upon the greatneſs of the diſparity between *Mrs. Bridget* and her firſt Couſin, is both to make her cenſure her Father for little better than a Fool in debaſing himſelf ſo far as to marry her own Mother; and at the ſame time to proclaim her Mother unworthy of being advanced ſo high, as to become Sir *Thomas Hides* Wife. And as there is nothing more obvious than that, tho people may be raiſed to Honour by matching into great Families; yet they uſually meet with more Comfort and Contentment by diſpoſing themſelves unto meaner. Nor is it improbable but that *Mrs. Bridgets* Mother, who was a diſcreet Woman, might rather conſult her Daughters happineſs, than her Grandure; and hope that, by the caſting her into the Arms of one whom her Daughter might enjoy, ſhe had therein provided a ſufficient recompence for her Child, in conſideration of the Eſtate that he was to poſſeſs by vertue of the Match. Yea, is there any thing more uſual, than that when a Woman hath been advanced to ſome degree of Honour, and veſted in a great Eſtate her ſelf, ſhe ſhould, in caſe ſhe had no Son, and but one only Daughter, be rather deſirous that her own Relations ſhould rather reap the Advantage of of it, than that it ſhould be carried away to perfect Strangers, in whom not only her Husbands name, but her own ſhould be utterly buried?

But as to the reality of *Mr. Emertons* being married to *Mrs. Hide*, it is not to be imagined how much it hath obtained on the belief of the ſober part of Mankind, by the *Verdict* that paſſed in favour of it upon a Tryal before my Lord Chief Juſtice *Hale*, where the whole matter in iſſue, was, Whether they were lawfully married yea or not. For ſo great an opinion doth the generality of our *Engliſh* World retain of the unſpotted Juſtice and the wonderful Knowledg of the Law of that Excellent Perſon, that they are apt to pronounce in favour of whatſoever received his Approbation, and was judicially determined before him. And whereas it is ſaid, *That the Court of Kings-Bench hath no Juriſdiction to decide the Right of Marriage*; it will not be eaſie to perſwade this Generation, that my Lord Chief Juſtice *Hale* was ignorant of the extent of the Juriſdiction of that Court, or that he would have medled in an Affair that he had not any Cognizance of, according to Law. I ſhall not be ſo preſumptuous as to make a Compariſon between the Judgment of that Admirable Perſon, and the Authority of one upon another Bench that ſtill ſurviveth; but ſhall only ſay, that their Fames will be beſt balanced, when this Judges *Grave* hath been as many years trod upon, as the others hath been. But tho the Court of *Kings-Bench* may not have a Juriſdiction to determine Right of Marriage, yet I ſuppoſe it will be granted that it comes within its Province, and falls under its Juridiction to determine of a Title to an Eſtate. Now the buſineſs before my Lord Chief Juſtice *Hale* being, Whether *Mr. Emerton* had a Title to ſuch an Eſtate by

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vertue of having married *Mrs. Bridget Hide*; the Examination of the validity of that Marriage lay properly before him, and was the matter in iſſue as the Foundation of *Mr. Emertons* claim. And I do not know, but that ſome people may in due time find, and that from the deciſion of this Cauſe upon one days hearing at the *Kings-Bench*, and ſo much to the Univerſal Satisfaction of all people, how thereupon the Legiſlative Authority of the Nation may come to think, that ſuch Suits may as well be determined in *Weſtminſter-Hall* as at the *Doctors Commons*, where this Cauſe hath hung this Eight years, and not yet brought to a Concluſion. And whereas it is alledged, *That the Judgment before my Lord Chief Juſtice* Hale *paſt upon hearing one ſide only*. I muſt crave leave to ſay, that it is notoriouſly falſe; for it was not a Sentence given upon a Non ſuit, but upon a Verdict of a Jury which always ſuppoſeth a hearing of both ſides. 'Tis true, that as the Defendant had not much to ſay, becauſe weak and frivolous ſuggeſtions could not paſs there for Evidence; ſo the proofs were ſo ſtrong and clear for the Plantiff *Emerton*, that the Jury brought in their Verdict without going from the Bar. Nor is there any need of long and elaborate Harangues to determine whether two perſons be married one to the other; the Teſtimony of two or three credible Witneſſes who can ſwear their preſence at the Wedding, and that it was tranſacted in *verbis de preſenti*, being of more ſignificancy to make faith of ſuch a thing, than a hundred Orations ſtuft with Quotations out of Civil and Canon Law Books.

The next thing that occurs to be diſcourſed in Confirmation of the Marriage between *Mr. Emerton* and *Mrs. Hide*, is the Sentence which the Judges Delegates, after a long and full hearing, gave and pronounced as their Judgment upon the whole matter. To ſuppoſe them to have been partial in favour of *Mr. Emerton*, is not only an uncharitable Reflection upon perſons of Honour, Learning and Credit, but is a thing eaſie to be overthrown by all Principles of Ratiocination. For as no man will ſay, that they were liable to miſtake through weakneſs and faileur of underſtanding, being all perſons of great and known Abilities, and ſome of them Gentlemen daily converſant in the like Cauſes; ſo it cannot be imagined how they ſhould be influenced to do knowingly an unjuſt thing, meerly that they might befriend *Mr. Emerton*. For he is neither a man of that quality and power, as that his ability to prejudice them, ſhould influence their fear; nor yet a man of that intereſt in the Nation, as that his being qualified to protect or advance them, ſhould work upon the principle of ſelf-love, which too many are apt to bear to themſelves. Whatſoever can be imagined apt or proper to pervert men from equity and juſtice, it lay all on the other ſide, had they carried minds capable of being impreſſed by it. Beſides their whole carriage in the hearing of this Affair while it was depending before them, does demonſtrate to all mankind, that nothing but convincing Evidence and the efficacy and force of Juſtice obliged them to give Sentence for *Mr. Emerton*. For as they did exclude his two moſt material Witneſſes, *viz.* his Father and Mother from giving the leaſt Evidence in the Cauſe; ſo they would not admit his Kindred to teſtifie but *ſub omnibus limitationibus & de bene eſſe*. And how many good and allowed Marriages are there in the Nation, that ſhould they be queſtioned, could never be proved and made out, were ſuch Relations either debarred from giving Evidence, or confined to give Teſtimony under the Reſtrictions and Limitations that *Mr. Emertons* were? It were endleſs to repeat thoſe things that the Judges Delegates put upon him; which all thoſe whom either their own Curioſity, or the importance of the Cauſe drew to attend upon the hearing of it, ſtiled Grievances and Hardſhips. Nay, it were not eaſie to call over how many Articles of his Allegations they wholly rejected, which yet the moſt judicious, critical and impartial hearers judged not only pertinent, but very material towards the proof of his Marriage. For after Thirty Seven Articles tendred on his part, they admitted but Eight or Nine, and thoſe none of the moſt conſiderable; and proof can be made upon no other than what are allowed by the Court. Yea there were ſeveral applications made to the Judges of that Commiſſion, which it is not needful here to recount, in prejudice of Mr. *Emerton*, all which notwithſtanding, ſuch was the clearneſs and juſtice of his Cauſe, they paſſed Sentence in favour of his Marriage. But as it is needleſs to draw theſe things into

a further length; ſo it is altogether unneceſſary to advance any more Arguments, whereby to prove not only how improbable, but morally impoſſible it is, that perſons who acted after this manner, ſhould have any partiality for Mr. *Emerton*. And whereas it is objected, *That there were but 6 of the 15 Delegates preſent at the hearing of the Cauſe, care being taken by thoſe that ſold the young Lady, that no more ſhould be preſent there*; I ſay it was none of Mr. *Emertons* fault, that all who were named for the hearing of it, were not as well preſent as thoſe ſix. For as my Lord Chancellor, who appointed them, did it without the leaſt reſpect or favour ſhown therein to Mr. *Emerton*, ſo it had been exceedingly for Mr. *Emertons* Intereſt to have gotten them all to have attended. And if it can be ſuppoſed to have been upon any unfair or low inducements, that ſome who were named by my Lord *Chancellor*, declined ſitting upon that Cauſe, 'tis moſt probable to have proceeded from a fear of offending great men that endeavoured to have it go againſt Mr. *Emerton*, which they foreſaw they could not with Honour and Conſcience conſent unto. And whereas it is intimated that *the abſenting of ſo many of the Delegates, was by the care of thoſe that ſold the young Lady, and betrayed the Cauſe*; it is the higheſt Argument in the World of the Truth of the Marriage, ſeeing the perſons that muſt be here intended, were they who contrived Mr. *Emerton* all this trouble, and who have all along promoted the keeping him from her, whom he ſtill confidently affirms to be his Wife. And whereas it is ſaid, *That my Lord Chief Juſtice* North, *did diſſent from the other five Delegates*; and that if his *Learned Arguments could be produced, it would appear how all that differed from him, to ſay no otherwiſe thereof, were miſtaken in their judgment*; it may be with modeſty replied, That it is more likely that one man ſhould be miſtaken in his opinion, than five. Eſpecially if we do but conſider, that ſeveral of them were either Judges or Doctors in thoſe very Courts, under whoſe proper Juriſdiction the determining the Right of Marriage is ſaid to be. Nor hath my Lord Chief Juſtice *North* ſhown himſelf ſo infallible in all the Affairs that arrive before him at the Common Pleas, as that we muſt believe him above all liableneſs to miſtake, in a Cauſe more out of the Sphere and Circle of his Studies, as this was where he ſat as a Delegate at *Serjeants Inn*. But the world would be better able to judg on whoſe ſide the miſtake is moſt likely to lye, if the Gentleman that boaſts ſo much of my Lord Chief Juſtice's Arguments, would but do us the favour to furniſh us with the learned Arguments of all the Six Delegates, when they finally delared their Opinions. Eſpecially if he had but recounted a Saying of the Biſhop of *Rocheſter's*, *viz.* That he could have wiſhed he could have been able to declare on the other ſide, but that his Conſcience would not allow him.

Nor have men that power over their own Underſtandings, as to think over-favourably of this new proceeding in this Affair, when they conſider upon what allegations a Commiſſion of Review was granted and obtained. For as no ſuch Commiſſion ought, or is uſual to be allowed, ſo as to proceed to a ſecond hearing of the whole Cauſe, without the alledging of ſome new matter; ſo it ſhould likewiſe be ſuch matter as both Law doth admit and juſtifie the mentioning of, and ſuch as can be brought into iſſue, and is at leaſt, in it ſelf, capable of being proved. Now the Allegation brought by Mrs. *Hide*, and which the Biſhops and Civilians impowered by the Commiſſion of Review did admit, is both ſuch as is expreſly againſt the Law to admit, and which no man is ever able to make out. For as Mrs. *Bridget* can never prove, That her Father, Sir *Thomas Hide*, lay with her Aunt *Emerton* before he married her Mother, ſo the Civil Law expreſly prohibits the reciving ſnch an Allegation from Children againſt their Parents. And as it is not much for the honour of thoſe perſons that ſate upon the Commiſſion of Review, to admit ſuch a ſuggeſtion; ſo the proceeding to a new hearing of the Cauſe, under a pretence from this Allegation, that there is new matter brought before them, argues, both that ſome people would fain have Mr. *Emerton* loſe the Gentlewoman whom he pretetds to be married unto; and that his Cauſe appears very ſtrong, ſeeing they that would vacate the marriage, have nothing to retreat unto at laſt, but ſo ſhameleſs a pretence as this to obtain it diſannulled for. And as whatſoever favours of want of candor, and impartialneſs towards Mr. *Emerton*, is conſtrued by the men of Law, as well as Wit and Converſation about the Town, to be an evidence and confirmation of

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the validity and goodneſs of his marriage; ſo the late joyning of four or five Noble Lords, as Adjuncts to the Commiſſion of Review, in which there were ſixteen before, and moſt of them in and near the City, confirms moſt thinking men in their belief of his being married to the forementioned Gentlewoman. For tho all perſons ought to think, that thoſe Honourable Peers are men of more Juſtice and Honour, than to determine in this Cauſe otherwiſe than as it ſhall appear before them upon evidence and due proof, yet they cannot command their thoughts ſo far, as not to imagine ſome difference in this method of procedure, from what uſeth commonly to be in the like caſes. And the delaying the hearing full two years, ſince the laſt Sentence which paſt for his Marriage, ſeems to lookers on, and impartial perſons, to have been no ways deſigned in his favour. Yea, 'tis believed this is the firſt time that ever a Review was allowed after a Sentence by the Delegates, provided it was *pro Matrimonio.*

And her own Anſwers and acknowledgments upon Oath in Court, are enough, without any further evidence, to prove the reality of her marriage to Mr. *Emerton.* For ſhe both confeſſeth, That there was ſuch a Tranſaction as the ſolemnizing of a Marriage between them, *de verbis in preſenti*, and that by a Curate or Miniſter, who is the Officer that the Law devolves this upon: *She* only pretends, That ſhe neither pronounced the words audibly, nor underſtood what ſhe ſaid; as to both which we ſhall ſhew anon, that ſhe hath wonderfully forgot her ſelf. Nay, ſhe owneth the having received both a *Ring* and a *Purſe* of *Gold* from him at that time, and upon that occaſion; which is ſufficient to convince all unbiaſs'd perſons in conſequence and confirmation of what it was.

But his Proofs upon Oath in Court, are ſo plain, and deſcend to ſo many Circumſtances, that it is not poſſible for any that pretend to a regard to Juſtice or Honour, to withſtand or controll the evidence of them. For he proves in the firſt place, That Sir *Thomas Hide* antecedently to his Marriage to my *Lady*, had deſigned out of a particular reſpect which he bore to old Mr. *Emerton*, to ſettle the moſt part, if not all his Eſtate upon him and his children.

Yea, the young Gentleman proves, That he had accordingly made a Settlement of it; and that in caſe of his not marrying, or dying without Heirs of his own Body, it was to his Father, and his lawful iſſue.

Secondly, He proves, That it was by the means of his Father and Mother, that their Siſter, the late Lady *Hide*, was married unto Sir *Thomas*; and that it was much out of reſpect to her Husband and her, that he firſt entertain'd a thought of applying unto her, and afterwards took her for his Wife.

Thirdly, He proves, That Sir *Thomas* not only after his Marriage, but after iſſue of this Mrs. *Bridget* by his Lady, did ſtill continue his reſpect to old Mr. *Emerton*'s Family, and often declare his Reſolution, That he would never beſtow his ſaid Daughter upon any Courtier, or any relating thereunto. And it is eaſie to be proved, That my Lady *Hide*, as well out of gratitude to her Brother and Siſter, as for the reſpect ſhe bore unto, and for the advancing of their Family, would prefer her Daughter to one of their Sons, before any other whatſoever.

Accordingly, after Sir *Thomas*'s Death, and full two years before her Daughter was marriageable, ſhe took a younger Siſter of her own, Aunt to Mr. *Emerton* who hath married Mrs. *Bridget*, to wait upon her ſaid Daughter, partly to inculcate upon her a reſpect and kindneſs for her Nephew, and Mrs. *Bridgets* Couſin, and partly to prevent Sir *Robert Viner*'s inſinuating ſome Courtier upon her, for the ſerving and befriending his own ends and deſigns.

He further proves, That when my Lady *Hide* found her Daughter to approach the years, in which according to law ſhe was marriageable; how ſhe enquired, being a good and conſcientious Woman, into the Lawfulneſs of firſt Couſins marrying the one to the other. And tho no perſon verſed or converſant in Studies relating hereunto, ever ſcrupled the Lawfulneſs of it; yet ſhe would not proceed in it till ſhe had obtain'd the opinions of ſeveral Divines.

He further proves, That my Lady *Viner* having propounded to *Mrs. Emerton* the Marriage of her Daughter to ſome one of the Sons of the ſaid *Mrs. Emerton*; the good Woman *Mrs. Emerton* did from a proſpect of trouble to enſue thereupon from Sir *Robert Viner*, and from an Apprehenſion of Envy from others, endeavour all ſhe could to have avoided it. And in purſuance hereof ſhe counſelled her Siſter to diſpoſe of her ſaid Daughter to my *Lord Wharton*'s Son; but ſhe replied, She had no concernment in ſuch Perſons and Families, but was reſolved to exalt, enrich, and prefer her own Family.

He further proves, That whereas my *Lady Viner* would have diſpoſed her Daughter to the eldeſt Son of old Mr. *Emerton*, how that *Mrs. Bridget* declined him, and declared her Reſpect for the younger, whom ſhe could more heartily and affectionately love.

He further proves, That before his ſaid Marriage with *Mrs. Bridget Hide*, ſeveral Letters were interchanged between him and her; and that ſhe being not ſo well skill'd as to write her ſelf, imploy'd another to return him Anſwers to all the affectionate Leters he ſent; and that when they were anſwered accordingly to her Humour, Affection and Mind, ſhe would expreſs all kind of Reſpectfulneſs and Gratitude to thoſe that penned them.

He further proves, That when the time of her being married to him, the ſaid *Mr. Emerton* approached, ſhe uſed often to read the Office of Marriage, that ſhe might the better underſtand what Relation ſhe was to bring her ſelf into, and what Duties ſhe was to lay her ſelf under.

He further proves, That as ſhe had been at the Solemnizing of Marriages before, ſo ſhe underſtood the import and meaning of the matrimonial *Terms* and Words; foraſmuch as ſhe repreſented to her Mother, how a certain Bride at whoſe Wedding ſhe had been, miſrepeated the words of Marriage after the *Parſon*, and told her Mother diſtinctly wherein the ſaid Bride was miſtaken, and for what ſhe deſerved to be reprimanded.

He further produceth and giveth proof of a Letter written by my Lady *Viner*, That *Mr. Emerton* ſhould come at ſuch a time and be married to her Daughter.

He further proves, That on ſuch a day, and at ſuch a place, he the ſaid *Mr. Emerton* was, according to the Form and Rites of the Church of *England*, married to the fore-mentioned *Mrs. Bridget Hide*, and after the Solemnization of the Marriage, bedded with her, and that ſhe was both before and all the following part of the day very pleaſant and chearful.

He further proves, That the firſt Evening which Sir *Robert Viner* ſaw her after the ſaid Marriage, how that he her Father-in-law having drunk to her by the name of Mrs. Bride, that thereupon ſhe riſing from the Table, and whiſpering to the next ſhe met with, inwhom ſhe could place any Confidence, ſaid, How much in the Right is my Father, tho he does not know it?

He further proves, That the reaſon why my Lady *Viner* conceals and kept this matter ſecret both before and after the diſpoſal of her Daughter, was partly leaſt Sir *Robert Viner* being apprehenſive of it, might endeavour to beſtow her as might be moſt ſubſervient to his Intereſt; and partly to prevent Differences which ſhe foreſaw would ariſe betwixt him and her; which both for his Honour and her own Peace, ſhe was deſirous to avoid for that year, he being then toenter upon his Mayoralty.

He further proves, That even during the time it was thought convenient to keep it hid, *Mrs. Bridget* ſo often called *Mr. Emertons* Siſter *Mrs. Sarah Em.* by the name of Siſter, that both the very Servants took notice of it; and that unleſs ſhe had taken the benefit of a gentle *reprimand*, it had been unſeaſonably diſcovered.

And which is yet more material, he uncontrollably proves, That even after my Lady *Viner*'s death, ſhe her ſelf owned the Marriage to all that converſed with her, particularly to her Godmother my Lady *Atchinſon*, and Mr. *Duncome*, as well as

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above a dozen more, whom he hath produced as Witneſſes. Nor did ſhe this meerly when ſhe and theſe perſons were alone, but ſhe acknowledged ſo much both in the preſence of the *Counteſs* of *Danby* and Sir *Robert Viner*. So that Sir *Robert Viner* partly upon her Confeſſion and Aſſeveration of the Marriage, and partly upon her producing and confeſſing the *RING* Mr. *Emerton* had beſtowed upon her at the Solemnization of the matrimonial Ceremonies and Rites, and ſhe wing the Purſe of Gold he had given her upon his being eſpouſed unto her, was not only forc'd to forbear Contradiction, but to confeſs that he believed they were really married together.

He further Proves, That when a Report was ſpread abroad, how the *Parſon* had diſclaim'd and deny'd the marrying of them, that *Mrs. Bridget* without the Inſtigation or Influence of any of *Mr. Emertons* Relations or Friends, ſaid, What a Rogue is this *Parſon* to deny the marrying of us, there being ſo many Witneſſes to convince him of falſhood, and he knows well enough that he hath married us?

Yea, it is proved in Court, how that after ſhe had been kept up above three Weeks in order to alienate her Affections from her Husband, and to make her diſclaim the Marriage; that upon Treaty in Order to delivering her to *Mr. Emerton*, Sir *Robert Clayton* being *Referree* for Sir *Robert Viner*, acknowledged to *Mr. Duncome*, *Referree* for *Mr. Emerton*, that ſhe ſtill perſever'd in owning the Marriage, and that her doing ſo, was next unto a miracle unto him, conſidering the means that had been uſed to make her deny it.

Nay, he further proves, how that my Lady *Viner's* Woman coming after her Death to wait upon *Mrs. Bridget*, and taking upon her to tell how ſhe had been Kind to her Husband in his Childhood and Youth; that thereupon *Madam Bridget* replied, She would love her the better ſo long as ſhe lived; and in Confirmation thereof embrac'd and kiſs'd her.

So that upon the whole, there are few men in *England* can give that Proof and Evidence of the Truth and Reality of their Marriage, which *Mr. Emerton* hath (after all the foul Play he hath met with) of his being married to *Madam Hide*. And if this Cauſe go againſt him, it will gratifie Husbands that are weary of their Wives; for they will be aſſured, that upon this Preſident they may be eaſily rid of them. What iſſue this Cauſe may have at *Serjeants Inn*, doth not much affect him, ſeeing he is reſolved before he relinquiſheth his Claim in the Lady, to do himſelf and all *Engliſh* men that Right, as to try the Judgment of the Supreme Court of *England* the Parliament. And I ſolemnly declare, That were I engaged in his Cauſe, I would deſire no more, in caſe of a Parliament, than what the methods towards Mr. *Emerton* have been, both to prevent all Courts of Delegates for the future, and finally to overthrow and deſtroy the *Doctors Commons*.

Nor is it unworthy of remark, That all the Proofs on her ſide are only ſome ſug-ſuggeſtions ſupported meerly by her own Teſtimony, and that after all the utmoſt endeavours have been uſed to alienate her from her Husband, and to beget in her a diſlike of him.

I might ſubjoin a large account concerning the quality and greatneſs of the perſons who ſolicite this Cauſe againſt Mr. *Emerton*, and what methods are taken to beget a prejudice in the Judges both of his Perſon, and the Juſtice of his Cauſe; but this I ſhall ſuſpend, from a hope I retain of their being perſons of more Honour than to ſuffer themſelves to be perverted from the Rules of Conſcience, Judgment, and Equity.

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